



**NCTA**

NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION

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March 28, 2003

**EX PARTE**

Sarah Whitesell, Legal Advisor  
Office of Commissioner Adelstein  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W. – Room 8-C302  
Washington, DC 20554

**Re: CS Docket No. 97-80**

Dear Ms. Whitesell:

During our meeting with Commissioner Adelstein and you on Tuesday, March 25, 2003, he asked for our thoughts about how the January 1, 2005 deadline by which time cable operators must deploy set-top boxes with separate security (the “Integration Ban”) could be modified while assuring that cable operators support POD-enabled digital TV products which are sold at retail.

As we discussed, attached is a possible approach which provides for a two year extension of the January 1, 2005 deadline and simultaneously establishes a process by which the Commission could, by a date certain, review market developments, cable compliance with the Agreement reached with the consumer electronics industry, and progress in the ongoing negotiations between the two industries, to determine whether retention of the Integration Ban is in the public interest.

If you have any questions, please do not hesitate to contact me.

Sincerely,

**/s/ Neal M. Goldberg**

Neal M. Goldberg

Attachment

cc: Marlene H. Dortch, Secretary, FCC (for inclusion in above-referenced proceeding)

"The rule (47 C.F.R. § 76.1204(a)) prohibiting cable operators from deploying integrated set-top boxes as of January 1, 2005 shall be extended to December 31, 2006. By July 1, 2004, the Commission shall initiate a further rulemaking to determine whether the prohibition is in the public interest. By July 1, 2005, the Commission shall conclude the rulemaking, and, if it determines that the prohibition is not in the public interest, repeal the rule."